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Letters

To Stop Those Who Would Cripple U.S. Intelligence

To the Editor:

A Jan. 2 Op-Ed article by William H. Schaap severely criticized the Intelligence Identities Protection Act, which I and the other 13 members of the House Permanent Select Committee on Intelligence introduced last October. The bill, H.R. 5615, would establish criminal penalties for the unauthorized disclosure of the identities of certain United States intelligence officers operating under cover overseas.

It is understandable that Mr. Schaap is concerned about the proposed legislation: He is co-editor of the Covert Information Bulletin, whose avowed purpose is to blow the cover of every C.I.A. officer working overseas.

He contends that H.R. 5615 is "unnecessary and unwise." I disagree. If we assume, as I do, that it is proper for the country to possess an effective clandestine intelligence-collection service, then such legislation must be viewed as extremely necessary.

The operating heart of any such service is the use of undercover agents and officers overseas to collect intelligence information. Obviously, if the names of these people are spread upon the public record, their usefulness is ended and the effectiveness of the clandestine service is destroyed.

In my opinion and, I think, in the opinion of the overwhelming majority of the American people, unauthorized disclosure of the names of undercover intelligence agents is a misguided act that serves no useful informing func-

tion whatsoever. It does not alert us to abuses; it does not bring clarity to issues of national policy; it does not enlighten public debate, and it does not contribute one iota to the goal of an educated and informed electorate. What it does do is place lives in danger and cripple our efforts to collect timely and accurate intelligence, the *sine qua non* for the effective conduct of foreign affairs.

Whatever the motives of those engaged in such activity, the only result is the complete disruption of our legitimate intelligence-collection programs — programs that bear the imprimatur of the Congress, the President and the American people. Such a result benefits no one but our adversaries.

Therefore, I am convinced that a legislative response is needed to put a halt to such activity. I agree with Mr. Schaap that legislation in this area "must be strictly limited to protecting what is in fact secret, and to what is in fact damaging to the national security."

I believe the proposed legislation is so limited. It protects the identities of a narrow segment of Government agents — those operating overseas in an undercover capacity on behalf of the C.I.A. or intelligence elements of the Defense Department.

It subjects two groups to possible criminal liability: (1) Those who have had authorized access to classified information containing the identity of undercover agents and then disclose the identity without authority and (2)

anyone who discloses it with the specific intent to impair or impede the foreign intelligence activities of the United States.

Mr. Schaap contends that the first provision "would completely stifle criticism and reform from within the intelligence community." This is nonsense. The disclosure of the identity of a specific American agent operating overseas in an undercover capacity for the C.I.A. has no connection whatsoever with the oversight of our intelligence agencies.

Mr. Schaap further states that the second provision "would eliminate scrutiny from the outside." He characterizes the specific-intent requirement as a "smokescreen." He chooses to overlook the burden placed on the Government to prove this intent beyond a reasonable doubt from facts and circumstances other than the actual disclosure.

In closing, I would note that the Legislation Subcommittee of the House Permanent Select Committee on Intelligence has scheduled public hearings on this subject for Jan. 29 and 30. The committee looks forward to full and frank public discussions of the important issues involved as an aid to its goal of enacting a statute that will protect both intelligence officers and our constitutional guarantees.

(Rep.) EDWARD P. BOLAND
Chairman, House Permanent
Select Committee on Intelligence
Washington, Jan. 9, 1980